

\$~12

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ MAT.APP.(F.C.) 8/2021
PRIYA AGGARWAL Appellant
Through Mr.Ankit Mutreja, Adv.

versus

RADHEY SHYAM Respondent
Through Mr.Yashwant Yadav with
Mr.Anubhav, Ms.Priti Yadav, Adv.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MS. JUSTICE REKHA PALLI

ORDER

%

19.01.2021

C.M.No.2053/2021

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

MAT.APP.(F.C.) 8/2021 & C.M.No.2052/2021

The submission of the learned counsel for the appellant is that before the impugned judgment came to be passed by the Family Court, the parties had already arrived at a settlement on 07.01.2020 in the proceedings under the Domestic Violence Act. The crux of the said settlement was that the parties shall obtain divorce by mutual consent; the respondent would eventually withdraw the divorce petition filed by him under Section 13(1)(a) of the Hindu Marriage Act; and would pay one time compensation of Rs.5,60,000/- lakhs to the appellant.

It appears that though the judgment in the present matter had been reserved by the Family Court prior to the settlement, the said Court was not

informed about the settlement, leading to the impugned judgment being passed.

As the parties have arrived at a settlement, they are bound to adhere to the terms thereof. Since the Family Court passed the impugned judgment in the ignorance of the settlement, the operation of the impugned judgment shall remain stayed till the next date.

Counsel for the respondent seeks a short adjournment. At request, adjourned to 09.02.2021.

It is made clear that no further adjournment shall be granted on the next date and the parties shall remain present on the next date.

VIPIN SANGHI, J

REKHA PALLI, J

JANUARY 19, 2021

sr